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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

CUIYAO GUTIERREZ,
 Plaintiff,

v.

MICHAEL CHERTOFF, Secretary;
 EMILIO T. GONZALEZ, Director, CIS;
 ROSEMARY MELVILLE, District Director;
 FRANCIS SICILIANO, Field Office Director,
 Department of Homeland Security;
 ROBERT S. MULLER, Director,
 Federal Bureau of Investigations,
 Defendants.

No. C 07-6013 RMW

**STIPULATION TO DISMISS; and
 [PROPOSED] ORDER**

Plaintiff, by and through her attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice because the United States Citizenship and Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization, and agrees to do so within 30 days of the dismissal of this action.

Each of the parties shall bear their own costs and fees.

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1 Date: January 10, 2008

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
3 United States Attorney

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5 /s/
6 ILA C. DEISS
7 Assistant United States Attorney
8 Attorneys for Defendants

9 Date: January 10, 2008

10 /s/
11 EDWARD R. LITWIN
12 CHRISTINA H. LEE
13 Attorneys for Plaintiff

14 **ORDER**

15 Pursuant to stipulation, IT IS SO ORDERED.

16 Date:

17 RONALD M. WHYTE
18 United States District Judge
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